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BLACKLEY, J.
On a rule against the sheriff, taken in error, and a writ of habeas corpus, the court, without a jury, the parties consenting to that mode of trial, and the sheriff, who was not a party, was held absolutely to either of the two competing liens, but on the contrary having offered it to the jury, the court was reversed. **Reynolds, and Schofield v. Son**, one of the contestants, was held to be bound by the decision, and brought the case to the supreme court by writ of error, and this court affirmed the judgment of the inferior judgment of the court below was reversed, on the ground that the court erred in passing the case to the jury, and in failing to give the sale of the machinery, it being the opinion of this court that Schofield was entitled to the lien on the money raised from the sale of the real estate, the effect of this judgment being to vacate the judgment of the court below, and the legal consequence was a new trial. **Reynolds, and Schofield v. Son**, without trial, and as a matter of course, in favor of Schofield & Son for the fund in controversy. **Blackley, J.** 529
C. 54 1b. 402. While it was competent for this court to have directed such a judgment to the jury, it was not competent to do so in express terms, or with due legal certainty. Judgment reversed.

Hook & Webb, for plaintiff in error.
Frank H. Miller, for defendants.
Ward & Co., for defendants.
Jackson, Judge, dissented.
The Central Railroad Banking Co. vs. Mary from Spaulding.

JACKSON, J.
Where an emergency is relied upon as justifying a conductor in going out of his sphere of duty, and assuming to exercise the authority of a subordinate, and the emergency was occasioned by the train being brought to a standstill, and the conductor or the conductor's claims, though you claim to make it clearly appear by evidence that the emergency was not caused by his fault or negligence.

Judgment reversed.
Spicer & Stewart, for plaintiff in error.
B. H. Hill & Son; R. H. Johnson, for defendant.

Myers & Marcus vs. Matilda Piquet. Rule to distribute money from Richmond.
ACSON, J.
In order for a junior mortgage to take precedence of an unrecorded senior mortgage, the junior mortgage must be recorded within the time prescribed by law. Judgment affirmed.

W. W. Hill, for plaintiff in error; H. D. T. Twigg, for defendant in error.
C. L. Cohen; A. D. Piquet; J. Ganahl, for defendant in error.
The State vs. Henry D. Capers. Motion to return writ of habeas corpus. **JACKSON, J.**
Where, in a criminal case, the solicitor general, or the solicitor, is called upon to commit the defendant, or require him to give new bail, the decision of the court is final, and the solicitor is not bound by this court at the instance of the state. Judgment affirmed.

James C. Black; S. F. Webb, by brief, for defendant in error.

Face to Face with Disease.
How often it happens that although we have witnessed the ravages of disease in the use of others, we disregard his warning; and when we are face to face with it, we really perceive too grim he is. Then, perchance, when it comes to our turn, we are too late. The efficient courier, his forerunner, is physical weakness. Fortify the system, and you are prepared to meet the foe. The most effective of its purpose is Hostetter's Stomach Bitters, which renders digestion easy and complete, invigorates the system, improves the appetite, increases strength yielding sleep, contracts fatness, and keeps the bowels in first rate condition. Greasiness, and muscular weakness and sallowness of the face, are alleviated, and so general and beneficent are its effects, that the system is thoroughly regulated by its use, but dependency is banished from the mind.

Effect of Hostetter's Stomach Bitters
The New Stock Speculations.
The new combination method of operating in stocks which Messrs. Lawrence & Co., of New York, have recently introduced, is attracting unusual attention in financial circles, by reason of its remarkable success. K. and M. Lawrence & Co. have, by this system, and made over \$5,000 in three months, using from \$-0 to \$500 capital. By this system, the investor can, with a small sum, realize large profits. The advantages of vast capital and shrewd skill. Profits are divided every thirty days. The system is simple, and the results are secured in Lawrence & Co.'s combinations with equal proportionate success. \$15 per share, and the investor can, with a small sum, realize large profits. The advantages of vast capital and shrewd skill. Profits are divided every thirty days. The system is simple, and the results are secured in Lawrence & Co.'s combinations with equal proportionate success. \$15 per share, and the investor can, with a small sum, realize large profits. 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